

REMARKS

Claims 12-22 are all the claims pending in the application. Claim 17 has been amended, based on, for example page 7 of the specification.

Entry of the above amendments is respectfully requested.

I. Rejection of Claims 17-20 and 22 under 35 U.S.C. § 112, second paragraph

Claims 17-20 and 22 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Without acquiescing the merits of the rejection, claim 17 has been amended to change "close to" to "about". With respect to the term "principally" in claim 20, it is submitted that one of ordinary skill in the art would understand the meaning and scope of the claim, e.g., that the zinc is the principal ingredient in the bath.

In view of the above, withdrawal of the rejection is respectfully requested.

II. Rejection of Claims 17-20 and 22 under 35 U.S.C. § 103(a)

Claims 17-20 and 22 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Higo in view of Claessens and Fujita.

Applicants respectfully traverse the rejection.

It is respectfully submitted that It is respectfully submitted that the claimed process and composition are different from the cited art.

With respect to Higo, the Examiner refers to example XXX in Table 7. However, XXX contains V and W. V must be avoided in the present invention because it would form carbides. Thus, less C would be available for forming the martensite which is necessary for obtaining the desired mechanical properties. Also, addition of W would somewhat modify the mechanical properties and uselessly increase the cost of the steel.

The claimed composition excludes V and W, except for unavoidable impurities. See page

7 of the present specification. In contrast the contents of V (0.005%) and W (0.10%) of example XXX of Higo are not impurity levels and are a result of the deliberate addition of such elements. This is demonstrated by the other examples of Higo, most of which do not contain V and W. In addition, claim 2 of Higo specifically recites the presence of 0.005 to 0.2% of V and/or W, which additionally shows that the presence of V and W is not a result of impurities but from the deliberate addition of the elements.

For at least the above reasons, it is respectfully submitted that Higo in combination with the other cited art does not render the present invention according to claim 17 obvious.

Accordingly, it is submitted that claim 17 is patentable over the cited art.

In addition, claims 18-20 and 22 depend from claim 17 and thus, it is respectfully submitted that these claims are patentable for at least the same reasons as claim 17.

In view of the above, withdrawal of the rejection is respectfully requested.

III. Conclusion

For the foregoing reasons, reconsideration and allowance of claims 12-22 is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: April 27, 2009 (timely filed, April 26, 2009 being a Sunday)